

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

F.L.B., a minor, by and through his Next Friend,  
Casey Trupin; et al.,

Plaintiffs-Petitioners,

v.

Loretta E. LYNCH, Attorney General, United  
States; et al.,

Defendants-Respondents.

Case No. 2:14-cv-01026-TSZ

PLAINTIFFS' MOTION TO  
REMOVE ROSA PEDRO AS NEXT  
FRIEND TO M.A.M.

NOTE ON MOTION CALENDAR:  
JULY 1, 2016

PLTFS' MOTION TO REMOVE R. PEDRO AS  
NEXT FRIEND.

Case No. 2:14-cv-01026-TSZ

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1 Plaintiffs respectfully move to remove Rosa Pedro as Next Friend to M.A.M. given that  
2 M.A.M. has now obtained the age of majority.

### 3 **Procedural History**

4 The present action commenced July 9, 2014. At that time, plaintiff M.A.M. was 16  
5 years old and in removal proceedings without legal representation. Due to his status as a  
6 minor, M.A.M. appeared by and through his Next Friend and mother, Rosa Pedro. Ms. Pedro  
7 has continued to serve as M.A.M.'s Next Friend throughout this suit. M.A.M. has now attained  
8 the age of majority, however, and a Next Friend for M.A.M. is no longer necessary or proper.

### 9 **Argument**

#### 10 **I. This Court Should Remove Rosa Pedro As Next Friend to M.A.M.**

11 FRCP 17 allows a minor who does not have a duly appointed representative to bring  
12 suit by a Next Friend or by a guardian ad litem. Fed. R. Civ. P. 17(c)(2). While a Next Friend  
13 represents the minor's interests during litigation, the minor remains the real party in interest  
14 throughout the suit. *See Wilson v. Luttrell*, 230 F.3d 1361, 2000 WL 1359624 at \*10 (6th Cir.  
15 2000) (citing FRCP 17(c)). Once a minor attains the age of majority and has the capacity to  
16 sue on his or her own behalf, the Next Friend's authority to represent the minor's interests  
17 terminates. *Brown ex rel. Walker v. Irvin*, No. 08 CV 2637, 2011 WL 3876952, at \*1 (N.D. Ill.  
18 Aug. 30, 2011) (internal citation omitted). At such time, the Next Friend should be removed by  
19 the court. *See, e.g., id.* at \*1; *Wilson*, 2000 WL 1359624 at \*10; *Ju Shu Cheung v. Dulles*, 16  
20 F.R.D. 550, 553 (D. Mass. 1954) (considering motion for removal of the plaintiff's father as  
21 Next Friend after the plaintiff reached the age of majority).

22 M.A.M. has attained the age of majority. As such, he can participate in this case on his  
23 own, and his mother, Rosa Pedro, no longer has representative authority. *See Brown*, 2011 WL  
24 3876952, at \*1. The Court should therefore remove Rosa Pedro as Next Friend to M.A.M. *See*  
25 *Wilson*, 2000 WL 1359624 at \*10; *Ju Shu Cheung*, 16 F.R.D. at 553.

**Conclusion**

Pursuant to Rule 17(b) and 17(c)(2), Plaintiffs respectfully request that the Court remove Rosa Pedro as Next Friend to M.A.M.

Dated: June 9, 2016

Respectfully submitted,

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CERTIFICATE OF ECF FILING AND SERVICE

I certify that on June 10, 2016, I arranged for electronic filing of the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties of record:

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